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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/774,736 | 02/09/2004 | Suresh Chandra | CHN 0001 PA/31760.1 | 9218 |

7590 03/24/2005
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| EXAMINER |
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THOMPSON, HUGH B

| ART UNIT | PAPER NUMBER |
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3634

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,736

Applicant(s)

CHANDRA, SURESH

Examiner

Hugh B. Thompson II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 15-22, 25-27, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 9, 12-14, 23, 24, 28-31 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-10-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 9, it is unclear as to what the “a ratio of weight difference between said plurality of weight sensors” constitutes. Applicant needs to specify which weights are being considered and how that weight difference is determined. As written, the applicant could easily be referring to the weight of each sensor and not a “sensed” weight indicated by the weight sensor.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11, 17, 19-21, 26, 27, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ching-Yao #6,657,547. Ching-Yao discloses a step adder load sensing system comprised of a stepladder as best seen in Figures 4, 7, and 11, having feet 82, each of which have there attached a weight sensing means 2, as recited in column 3, line 1-47, the weight sensing means working in unison with sensor 6, microprocessor/controller 3 (inherently powered

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by a source), alarm 4, which can be a buzzer and electronic strobe light (inherently powered by a source), to determine unsafe loading upon the step ladder as a result of predetermined/maximum allowable/unbalanced values.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Yao as applied to claims 1-8, 11, 17, 19-21, 26, 27, 32, and 33 above, and further in view of Hutson et al #5,853,065. Ching-Yao fails to disclose an analog controller and a visual display. Hutson et al, as recited in column 1, lines 17-31, column 2, lines 6-19, column 3, lines 37-50, and column 4, lines 4-9, teaches the utility of a ladder weight sensing means comprised of analog sensing means and weight output displays 74, the combination serving to sense and display loading for a user, upon respective ladder legs.

Therefore, to one of ordinary skill in the art, it would have been obvious, as a matter of design choice, to provide the system of Ching-Yao with an analog controller and a visual display as taught by Hutson et al, the combination serving to sense and display loading for a user, upon respective ladder legs.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Yao as applied to claims 1-8, 11, 17, 19-21, 26, 27, 32, and 33 above, and further in view of

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Ziolkowski #5,954,154. Ching-Yao fails to disclose a battery power source. Ziolkowski, as best seen in Figure 4 and recited in column 4, lines 25-30, teach the utility of a battery source used to power a weight sensing light 18. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the inherent power source of Chin-Yao with a battery source, as taught by Ziolkowski, so as to provide a replaceable source of energy for the weight indicator system. It would have been further obvious to use a solar cell source, well known to be used as lightweight and long lasting non-replaceable power sources, while producing no new and unexpected results.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Yao as applied to claims 1-8, 11, 17, 19-21, 26, 27, 32, and 33 above, and further in view of Weiner #4,554,994. Ching-Yao fails to disclose a tip indicator system used with an extension ladder. Weiner teaches the utility of a safety indicator system 20, 24, used with an extension ladder 10 to indicate safe orientations of usage. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the system of Ching-Yao with an extension ladder as taught by Weiner, the use of ladders being no more than a choice by a user, not expected to produce any new and unexpected results.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Yao as advanced above. Ching-Yao fails to disclose a plurality of lights. A plurality of lights is no more than a duplication of parts, not expected to produce any new and unexpected results. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the system of Ching-Yao with a plurality of lights, this being no more than a duplication of parts, not expected to produce any new and unexpected results.

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Allowable Subject Matter

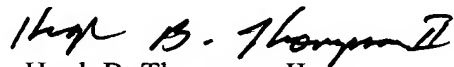
Claims 12-14, 23, 24, 28-31, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The primary reason for the allowable subject matter of claim 12 is the inclusion of a movable counterbalance weight coupled to the ladder responsive to the controller. For claim 23, it is the inclusion of the plurality of lights corresponding to a particular ladder safety category. For claim 28 it is the buzzer configured to vary acoustic output corresponding to a particular ladder safety category. For claim 31, it is the alarm comprising a prerecorded voice warning. For claim 34, it is the inclusion of first and second safety categories corresponding to non-imminent and imminent tipping conditions that are responsive to the indicia provide by the controller. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

March 19, 2005